G. R. S. IX-5]

Previous references. 1895-96

191 .

(Land Revenue)

File No. 14 of 1345-96

Serial Nos. 1-6

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-6

Part B for

SUBJECT. Provisions of Application of Certain Sections of the Land Revenue Code to Inam Villages Granted [illegible]

Orders & Correspondence

Dy

Ctd 96

W D 88—GPE—50,000—24-7-16

(2)

Rosekanye
28/12/95
Draft submitted
23.27/2

Subject for discussion.

The question is whether section 133 of the Land Revenue Code is applicable to Kwaku Village in which Chapters 8 & 9 of the Code have been extended under the provisions of section 236.

Section 133, as one of the sections in Chapter 9, it would clear how the Governor makes up his mind that the whole Chapter has been extended to Kwaku Village, one of the sections is inapplicable to that Village.

The Registration clerk

24-12-95

6/1

Inl Memo No 9

Please see 2nd Com
Cellor's order on
paper serial no: 2

The Govt. Advocate
also is of the opinion
that Sec: 133 of the
L.R Code applies to
Inam villages to
which the provisions
of Chapters 8 & 9 have
been extended -
The provisions of
Chapters VIII & IX were
extended to this village
in 1891 - Please see
Copy of note no: 376
of 29th Jan'y 1891 put
up pr
5/9/96

Subject to Govt

The Revenue Officers also opine that S. 133 applies to Inam villages to which the provisions of Chapters 8 & 9 have been specially extended but it does not appear that these Chapters have been so specially extended to the Inam villages of Yelandur in the present case

Ld 7/9/96

It is clear that the Govt cannot exempt the villages from this

REVENUE DEPARTMENT
Gl. No. 1660
Cl. No. 163 189
31 AUG 96
DEWAN'S OFFICE

From

The Deputy Commissioner
of the Mysore District.

To

The Secretary to the Government of Mysore,
Revenue and General Departments.

Dated 27th *August* 1896.
Despatched
Received

Enclosures No. —

No. 417

Expressing opinion as to the applicability of section 133 of the Land Revenue Code to Inam Villages, to which Chapters VIII and IX of the said Code have been extended.

Rec'd 31/8/96

Put up
31/8

Replies are complete
Ord
3/9.

for Advocate portion of
Note, please see at p. [illegible]

accelerated rate of taxation requisite should be extended to the Village or not, & the relief to the Assessee

14-9-96

Solicitor

It is surprising that the Sub Court did not inform himself of the fact that by Notification No. 326 of the 29th June 1891 Govt had extended the provisions of Chapter VIII & IX of the Act to the Town Municipality of Salem. The question referred to us is whether the provisions of Sec 133 of the said Act. He is requested to do so without raising any further objections

---

Drafts
2/15/96

16/9/96

The provisions of Sec 133 are certainly applicable to a Municipality where provisions of Chapters VIII & IX of the Act 32 of 1884 have been extended

[illegible]

Kodipalya attached to Kittmanangala

Statement showing the particulars of Gomal Land applied for for Irrigation purposes, in the village of Kunijal hobli, Kunijal taluk, Sirsi district.

Taluk.	Hobli.	Village.	Area of land under occupation in the village.		Area of assessed unoccupied waste land.		Total extent of gomal land in the village.			Details relating to portion applied for for cultivation, building, or other purposes.					Number of cattle in the village.	Remarks as to whether the remaining extent of gomal land is sufficient for grazing purposes and whether villagers have any objection to the grant of the land applied for, and the ground of their objection, if any.
							Survey No.	Extent.		Survey No.	Extent.		Trees thereon.			
													Description.	Approximate number of trees.	Estimated value.	
			A.	G.	A.	G.		A.	G.		A.	G.				
Kunijal	Kunijal	Kodipalya attached to Kittmanangala	54	29	10	39	10	164	30	Part of No 10	1	20	Date trees Do: plants	30 120	1-14- -	56
															1-14-	

The remaining extent of gomal land is sufficient for grazing purposes and the Villagers have no objection to the appropriation of 1½ acres for the construction of a Katte.
The Date trees will be sold to the Applicant Ramaiya for Rs. 1-14-0.

Sirsi

Mamlatdar

(General Serial No. 30.)

1895

REVENUE — Cl. No. 4698 — R. No. 3167 — 16 DEC 95 — DEWAN'S OFF

From The Sept. Settlement Revenue

To Rec! Govt

The ~~Chief~~ Secretary to the ~~Dewan~~ of Mysore.

Dated 16th December 95

Despatched

Received

Enclosures No. 1

General No. 428

No.

In reply to —— " ——

SUBJECT.

Submitting the question whether Section 133 Chapter II of the Land Revenue Code is applicable to Boundary alterations effected by the Survey Depart. in Inam villages to which under Section 236 the provisions of Chapters III to IX of the Land Revenue Code have been extended by Govt

References (to be entered only in the Dewan's Office).

No 728

Survey Superintendent's Office

Bangalore 16th December 1895

To

The Revenue Secretary to the

Government of Mysore.

Sir,

I have the honor to refer for the decision of Government the question of the applicability of Section 133 (chapter IX) of the Land Revenue Code to Boundary Marks constructed by the Survey Department under section 130 of the Code, in alienated villages. In a certain case, the details of which have no connection with the settlement of the above question, the Deputy Commissioner of the Chitaldrug District maintains (copy of letter enclosed)

that

that Section 133 of the Land Revenue Code is not applicable to Inam villages even although they have been brought under the Survey Settlement after the provisions of Chapter V and of the Code have been formally extended to them by Government.

2. As the above view held by the Deputy Commissioner is in my opinion entirely wrong and likely if acted upon, to prove detrimental to Survey operations and as I am unable to over-rule him on my own authority, I beg to refer for the decision of Government the question of the applicability or otherwise of Section 133 of the Land Revenue Code to Inam villages to which the provisions of Chapter V and have been extended by Government. Section 236 of the Land Revenue Code declares the provisions of Chapter

8 to 9 of the Code to be inapplicable to any Native
Village except for the purpose of fixing the
boundaries of any such Village. So far
Section 236 would point to only the boundary
Marks on the boundaries of Indian Villages
being liable to the provisions of Section 133 of
the Code, but when Section 236 goes on to
say "but it shall be lawful for the Govt.
on an application in writing being made by
the holders of any alienated or Kanungitta
Village to that effect, to authorize the exten-
of all or any of the provisions of the said
Chapters (8 to 9) to any such Village" it
Seems to me to be beyond all doubt that Section
133 of Chapter 9 is just as applicable to Indian
Villages to which the said Chapters have
been

been extended as it is to Government Villages.

3: I regret having to trouble the Government to decide so self-evident a question as that now submitted but under the circumstances I have no option.

I have the honor to be

Sir,

your most obedient Servant

Asst Collector Bellary

1/a

Sd/- B. K. Venkata
Vardiengar
Dy. Commr. Ellore

"Copy"
Supdt. Ellore
Rev. Survey

GOVERNMENT OF MYSORE

2 Annexure

3

To

The Chief Secretary

Bangalore

Dated 28-1-06
31-

No. 1842 dated 2-2-06

-3065-

REVENUE DEPARTMENT
6754
R 4676
9 MAR.
DEWAN'S OFFICE

(General Serial No. 30.)

103

189

From

The Government Advocate
in Mysore.
114

To

The ~~Chief~~ Secretary to the ~~Dewan~~
Government. *of Mysore.*

Dated 7th March 1896.

Despatched

Received

Enclosures No.

General No. 139
No.

Submitting opinion
as to the applicability of
Section 133 of the Land
Revenue Code to Inam
villages.

Rev.
7-3-96
Repo. 8/3
7/3/96

References are put up. May the report
~~be~~ the Rajah's or the pure be a
-ed
7/3
10/3

(20)

to the same, as the provisions of Section 133 are certainly applicable to Inam Villages to which ~~the provisions~~ Chapters VIII & IX of the Land Revenue Code have been extended.

Prick

C
17-9-96.

Secretary

1619

BB
16/9/96

1619

To The Superintendent
Rev Survey in Mysore.

" Dr Commissioner
Mysore Dte.

" Commrs of Inam Districts
for info & guidance.

Under the provisions of
Sec. 230, Acts Extraordinary

By Order

R. [illegible]

Secretary

2 Drafts

4 · 43

To

The Assistant Commissioner

Mysore District

No. 7843 8-8-[illegible].

Sir, 5-3006 4/8.

I am directed to forward herewith Petition No. 28 dated 18-12-1905 from [illegible] the ryots of Nanjangud Taluq, to request you will be so good as to state for the information of your Address the nature of that Petition, so far as Section 33 of the Land Revenue Code applies to those villages to which Clauses VIII and IX of the said Code have been made applicable under Notifications No. 230, dated [illegible].

I am, Sir,

Your obedient servant,

[illegible]

28/12/06

for Secretary

Office of the Govt. Advocate

No. 139 7th March 1896.

From

The Government Advocate
in Mysore.

To

The Secretary to the
Government of Mysore

Sir,

With reference to your letter
No. 7642, dated 4th December,
R 3065
I am of opinion that the
provisions of Section 133 of the
Land Revenue Code are
applicable to the Inam Villages

1.

to which the provisions of Chapters 8 and 9 of the Code have been formally extended by Government under Section 236 of the said Code.

I have the honour to be
Sir,
Your most obedient servant.

S. Ramaswamy
Government Advocate

1666
R 463.

No. 4[illegible]
Enclosures No. —

DEPUTY COMMISSIONER'S OFFICE,
GOVERNMENT [illegible] MYSORE DISTRICT,
Dated Bgalore 2nd August 1896.

L 5

To

The Secretary to the Government of Mysore,
Revenue and General Departments.

SIR,

With reference to your letter No. 7843 / 2355 of the 28th February 1896, (and the reminders noted in the margin,) forwarding copy of letter No. 728 of the 16th December 1895 from the Superintendent of Revenue Survey, and requiring me to state my reasons for thinking that the provisions of section 133 of the Land Revenue Code do not apply to inam villages, I beg to state as follows:—

2. The section referred to, viz. section 133 of the Land Revenue Code, authorizes the Deputy Commissioner to fine persons that disturb the Survey boundary marks. The question is if the Deputy Commissioner may, under that section, fine persons who interfere with and mark in private property, i.e. in inam villages. The section does not give them that power, but on the contrary section 236 of the same Code clearly states that the provisions of Chapters III and IV of that Code, in which the said section 133 appears, shall not be applied to alienated villages except for the purpose of fixing the boundary

marks

× No. 8892 / 12 A 33 of the 26th March 1896.
" 1884 / 12 A 81 of the 13th June 1896.
" 1009 / 12 A 81 of the 14th August 1896.

marking such villages on the said plan or any other copy, payable thereon. The said section 236, however, authorizes the Government to extend all or any of the provisions of the said two Chapters to alienated villages. It is not known if the Government have been pleased to extend all these provisions to the main village in question, viz. Gaiapola in the Bujoro District. It having been reported that some persons had interfered with the Survey boundary marks thereon, the Survey Superintendent wanted me to punish those persons under the said section 188, thinking that, because the Survey of the village had been permitted, all the provisions of the said two Chapters had been extended thereunto. Merely because the survey of the village had been permitted it was no reason to suppose that all and every one of the provisions contained in the said two Chapters had been extended to it. Therefore I refused the Survey Superintendent that section, as it could not generally be acted on in inam villages and fines imposed thereunder.

I have the honor to be,

Sir,

Your most obedt Servant.

[signature]

Deputy Commissioner
of the Bujoro District

Camp Dec 1881

Disposal Register

Read: —

Letter No. 728 dated 16th December 1938 from the Superintendent Revenue Survey in Mysore submitting with reference to a request entertained by the Commissioner of the Mysore District, for a section of the applicability or otherwise of Section 33 of the Land Revenue Code to Inam villages to which the provisions of Chapters VII & IX have been extended by the Government.

(2) Letter No. 34 dated 7th March 1939 from the Govt. Advocate.

(3) Letter No. 4 dated 27th August 1939 from the Commissioner of the Mysore District, stating that Section 133 of the Land Revenue Code applies to Inam villages to which the

provisions of Chapters VIII & IX
have been extended, but
that learned Judge was
wrong when he made the reference
to the Income Tax Amendment,
that those Chapters had
been so extended in the case
of the Union Village of Jandiala
in the Ajnala Tehsil.

46

Reference:- No. 3021-30 R.F.4a/96 dated 17.9.96

Government are surprised that the Deputy Commissioner decided not to enforce the provisions of the said Chapters before ---- Code.

Government are surprised that the Deputy Commissioner decided not to enforce the provisions of Section 133 of the Land Revenue Act before ---- Code.

Reference:- No. 3021-30 R.F.4a/96 dated 17.9.96

READ :—

Letter No. 723, dated 16th December 1895, from the Superintendent, Revenue Survey in Mysore, submitting, with reference to a doubt entertained by the Deputy Commissioner of the Mysore district, the question of the applicability or otherwise of Section 133 of the Land Revenue Code to Inam villages to which the provisions of Chapters VIII and IX have been extended by the Government.

(2) Letter No. 139, dated 7th March 1896, from the Government Advocate.

(3) Letter No. 417, dated 27th August 1896, from the Deputy Commissioner of the Mysore district, stating that Section 133 of the Land Revenue Code applies to Inam villages, to which the provisions of Chapters VIII and IX have been extended, but that he was not aware when he made the reference to the Superintendent, Revenue Survey, that those chapters had been so extended in the case of the Inam village of Yadakola in the Mysore taluk.

No. 3021-30—R. F. 40-96, DATED, BANGALORE, 17TH SEPTEMBER 1896.

ORDER THEREON.—Government are surprised that before refusing to enforce the provisions of Section 133 of the Land Revenue Code, the Deputy Commissioner should not have informed himself of the fact that by Notification No. 376 of the 29th June 1891, the provisions of Chapters VIII and IX of the said Code had been extended to the Inam village in question. He is now requested to give effect to the same, as the provisions of Section 133 are certainly applicable to Inam villages, to which Chapters VIII and IX of the Land Revenue Code have been extended.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Superintendent of Revenue Survey in Mysore.
The Deputy Commissioner, Mysore district.
The Deputy Commissioners of other districts for information and guidance.

Exd.—H.A.R.

1896-97

GOVERNMENT OF MYSORE

REVENUE

PROCEEDINGS

Dated 17*th September* 1896

No. 3021-30
R. F. 40-96

Stating that Section 133 of the Land Revenue Code is applicable to Inam villages to which Chapters VIII and IX of the Land Revenue Code have been extended by Notification No. 376, dated 29th June 1891.

M.G.C.P.B.—5,10496—120